IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.6807 OF 2005

Chief Executive Officer, KVIB & Anr. ..Petitioners.

V/s.

Neelakanth Balappa Sambare & Anr. ..Respondents.

Mr.V.P.Vaze for petitioners.

Mr.J.P.Kharge with S.G.Thorat for respondent.

CORAM : V.C.DAGA, J.

DATED : 28TH APRIL, 2006.

P.C. :-

. This petition is directed against the order dated 31.1.205 passed by the Industrial Court at Sangli in Complaint (ULP) No.1/2004 allowing the complaint holding that the respondent shall be entitled to get the pensionary benefits considering the services rendered by the complainant in the hand paper institute for the period commencing from 17/8/1971 to 18/2/1977 treating it as part and parcel of Maharashtra State Khadi Village Industries. The Court below in para 13 has, specifically, dealt with the question in the following manner:-

" It reveals from the Government Resolution

> dt.1/7/1985 (Exh.C-28/9) that service under Maharashtra State Khadi Gramodyog Mandal is pensionable service Hand made Paper Institute is part and parcel of the said Respondent Board, and therefore, service rendered in the Hand made Paper Institute is also pensionable service. Though the complainant was serving on temporary basis in his initial period still that service is also requires to be counted while calculating qualifying period in view of Chapter-5 of Pension Rules. "

2. The learned counsel for the petitioner concedes that this finding has not been challenged in the petition. In the above view of the matter, the petition is devoid of any substance. It is liable to be dismissed for the reasons recorded by the Industrial Court.

3. In the result, Petition is dismissed in limine with no order as to costs.

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